

### **REMARKS**

Applicants respectfully request reconsideration of the present Application. Claims 1-26 are pending and are believed in condition for allowance.

#### **Rejections based on 35 U.S.C. § 102(b)**

Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Boehm et al. (US 6,457,170, hereafter "Boehm"). Claims 15-26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Obilisetty (US 2004/0268344). The rejection is respectfully traversed, at least in part, based on the following remarks.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131. In the Office Action dated July 3, 2007, the Office has cited a number of portions of Boehm that ostensibly anticipate features of the present claims. Applicant respectfully submits that the present claims recite enough specificity that the first and second computing devices disclosed in Boehm cannot provide all of the features of the claimed embodiments of the present invention.

The Examiner has cited the workstation 10 of Boehm as anticipating a first computing device in the present claims, and network controller 30 of Boehm as anticipating a Applicant's second computing device. Claim one recites two features that are closely related – "selecting at least one file to a selectable version of said application from said one or more versions using said first computing device for the purpose of building the selectable version of the application on said second computing device" and "building said selectable version of said application on said second computing device." For Boehm to anticipate, it would require that its network controller 30 build the software application, but it cannot. The cited sections of Boehm

does not disclose any indication of network controller 30 being capable of such an operation. To the contrary, column 5, lines 30-43 disclose the following:

“The central network controller 30 and storage medium 32 includes a file server, a software library archive that is managed by a software configuration control system such as RCS, and one or more network cache memories that can be quickly accessed by all workstations on the network. For the purposes of this disclosure cache memory that is internal to each local workstation on the network is referred to as “local cache memory” or “local cache.” The term “network cache memory” or “network cache” refers to electronic memory 32 located on the network that is quickly accessible by each local workstation on the network. In this disclosure, the present invention is described as being practiced in this development environment.”

The cited section discloses a repository and version-controlling software system. This functions as an archiving agent and gatekeeper, as further described in Boehm. It provides storage and access only. Is does not provide for the computational ability to build a software application. Looking at several sections of the reference, it is disclosed that the build still takes place on the workstation. See Boehm, col. 2, ll. 7-12; col. 2, ll. 22-27; col. 6, ll. 2-6. At best, Boehm may link to files on the network for the build, and write the results of the build to the network. And while caching certain files avoids duplicative compilation, that compilation still takes place on the first computing device. Boehm describes a system in which “parallel” builds can and do take place, thus on workstation 10 and not on network controller 30.

As described in the previous Office Action and in Applicant’s Specification, our second computing device can be a Tandem-type of computer that actually builds the software application. This prevents the client computer, i.e., an individual workstation, from having to use its computational resources once the build process has begun. The workstation initiates the build and the second computer builds the application.

This also allows an application to be compiled for a number of different computer platforms, such as Windows®, Linux, etc. This is recited as “an environment” ... “having parameters” and “managing at least one group of servers in said environment.” The Examiner

cites the above quoted passage from column 5 as teaching these elements. Again, the system of Boehm does not provide a second computing device capable of such functions. The element of “creating at least one new server group in the environment” is rejected as disclosed by the build list of Boehm, which is located in the first computing device, not the second. For this reason, Boehm cannot disclose the feature as recited.

Lastly in claim 1, there is an element of “deleting said at least one group of servers” which is a step removing previous environment parameters and configurations that could create errors in a new build. The cited section of Boehm is step 468, in which out-of-date files are deleted based on a selected value for a variable, “numdays.” The element of the present claims is patentably distinguishable, because the deleting step is a part of the build process, not a housekeeping function. A deleting step will take place every time a build takes place, not when a file has passed a certain expiration date.

A number of dependent claims also recite features not found in Boehm. **Claim 2** and its “environmental-configuration file” is rejected using the same section from column 5 quoted above. Boehm is silent to an environment-configuration file altogether, much less one that includes the specific “configurations for the parameters of the controlling process” as recited in the present claims. The file is used further in **claim 3** to “message the controller to accomplish the deleting step.” The deleting step of the present claims is missing from the reference, so using the file to do so is lacking as well. **Claim 4** recites “including scripts within said environmental-configuration file” and “using said scripts to message the controller to accomplish the deleting step.” The quoted section of Boehm column 5 is cited as teaching this feature. Applicant respectfully submits that Boehm is silent to the use of scripts to delete legacy server parameters, particularly when considered in an environmental-configuration file. With

regard to **claim 7**, Pathcom™ is the command interface recited, which is a specific controller from a specific provider. The Pathcom™ software application does not appear in Boehm in the cited text or elsewhere.

**Claim 8** provides for a scheduler and creating a build schedule, so that applications can be built and rebuilt on a regular basis throughout the development cycle. Boehm has no manner of scheduling the build. The cited section is a build list, not a build schedule as cited in the Office Action dated July 3, 2007. Cited element 202 of Fig. 4 of Boehm is a directory structure, not a schedule. There is nothing in Fig. 4, or in its description, to indicate a scheduled build process. Without any means to schedule builds, the daily builds of **claim 9** are also lacking in Boehm.

Turning to claims 15-26, there are a number of elements of the present claims not disclosed by Obilisetty. Both **claim 15** and **claim 21** recite a file that includes only environment-specific parameters and a file that contains only application-specific parameters. Obilisetty discloses the use of XML files in distributed application building, but does not disclose what types of files are used and what they contain. Therefore, Obilisetty is silent to the recited elements. Without these features, the reference fails to teach every element and the claims are allowable. However, there are additional features recited in the dependent claims as outlined below.

**Claim 17** identifies an environment into which the application is to be run. The section of Obilisetty cited to disclose this feature states that different user interfaces (UIs) may be set up according to user preferences, but is silent to different environments. **Claims 18** and **24** recite “a number of parameters specific to at least one server,” but the Examiner cites Fig. 3A of Obilisetty, which does not disclose server-specific parameters. At best, Fig. 3A discloses that

a server provides the files, but the operation of the file does not require a server at all, and therefore cannot have server-specific parameters. Obilisetty discloses in paragraph [0016] that the server is not needed for operation after download and that operation can occur asynchronously. **Claim 20** and **claim 26** each recite dynamic capabilities to adapt the application to multiple environments in the second computing device. In the present claims, this provides one novel aspect since the Tandem® computer can run multiple servers and multiple platforms. However, Obilisetty lacks this feature. Client device 190 in the reference can only execute a single environment. Therefore, the ability to adapt to multiple environments is missing from Obilisetty, because the ability to execute multiple environments is missing. The section cited by the Examiner discloses that user preferences may be configured within the XML files, but not an ability to adapt to multiple environments, and in particular within the second computing device (as opposed to adaptation for a plurality of devices which execute in different environments).

**Rejections based on 35 U.S.C. § 103(a)**

Claims 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Boehm in further view of Obilisetty. Claims 12-14 are allowable at least based on their dependence from the amended independent claim 1, which is allowable. However, Applicant respectfully traverses this rejection based on the following remarks.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” MPEP 2143.03. The disclosure of Boehm lacks the use of the second computer to build an application. Boehm also lacks environmental-configuration XML files, object-XML files or XSL. The teachings of Obilisetty would not lead to modifications of Boehm that could cause building an application on the second

computer or the use of XML/XSL files. Again, while the use of a first computing device and a second computing device may be cumbersome when analyzing the claims, it is important that the roles of the two computers be maintained throughout the analysis. While Obilisetty allows a client computer to receive files from a server and build an application, this is not the recited method, nor can it lead to it. First, a portion of the required logic to build the application resides on the client computer, agent 205. A portion of the application is contained in XML files and transmitted from the server to the client. Thus, if the client computer is the “second computing device,” it would require all of the features recited in claim 1 that accompany it. Conversely, if the server is the “second computing device,” it also would require all of the aforementioned features. Again, the references, in combination or alone, fail to teach or suggest this. Obilisetty at best discloses the ability to build browser-executed software through use of XML files through a download process. The reference is silent, however, to selecting files on one computing device and building an application on a second device. The combination lacks the features of the independent claim as well, and cannot obviate claims 12-14.

Further, Obilisetty discloses in paragraph [0016] that the disclosed best mode of the reference can operate asynchronously and does not require interaction between two computers for operation of his invention. Thus, the combination of Boehm and Obilisetty cannot obviate the present claims. Paragraph [0048] of Obilisetty cited for motivation to combine with Boehm, provides no such motivation. Moreover, the combination teaches away from the present invention as Obilisetty stresses the lack of reliance on the serving computer, whereas the Specification of the present invention lists as one novel feature the ease of creating the interaction between the two computing devices.

### **CONCLUSION**

For at least the reasons stated above, claims 1-26 are in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-559-2173 or [jcamacho@shb.com](mailto:jcamacho@shb.com) (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 21-0765.

Respectfully submitted,

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